

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**MICHELLE BOURDELAIS,
on behalf of herself and behalf
of all others similarly situated,**

Plaintiff,

v.

Civil Action No. 3:10cv670

**JPMORGAN CHASE BANK, N.A.
and CHASE HOME FINANCE, LLC,**

Defendants.

**MOTION TO DISMISS COUNTS ONE, TWO
AND THREE OF THE AMENDED CLASS COMPLAINT**

Defendants, JPMorgan Chase Bank, N.A. and Chase Home Finance, LLC (“Chase”), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), moves to dismiss the Counts One, Two and Three of the Amended Class Complaint filed by Plaintiff, Michelle Bourdelais, for the reasons set forth in its accompanying memorandum in support filed simultaneously herewith.

WHEREFORE, Defendant Chase, by counsel, respectfully requests that the Court: (1) grant its motion to dismiss; (2) dismiss Counts One, Two and Three of the Amended Class Complaint; (3) award Chase its costs and expenses incurred herein; and (4) award Chase such further relief as the Court deems appropriate.

**JPMORGAN CHASE BANK, N.A.
and CHASE HOME FINANCE, LLC**

By: /s/ David N. Anthony

David N. Anthony
Virginia State Bar No. 31696
*Attorney for JPMorgan Chase Bank, N.A. and
Chase Home Finance, LLC*
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone: (804) 697-5410
Facsimile: (804) 698-5118
Email: david.anthony@troutmansanders.com

Nancy R. Thomas (*Admitted Pro Hac Vice*)
*Attorney for JPMorgan Chase Bank, N.A. and
Chase Home Finance, LLC*
MORRISON & FOERSTER LLP (CA-NA)
555 West Fifth Street, Suite 3500
Los Angeles, CA 90013
Telephone: (213) 892-5561
Facsimile: (213) 892-5454
Email: nthomas@mofo.com

Timothy A. O'Brien (*Admitted Pro Hac Vice*)
*Attorney for JPMorgan Chase Bank, N.A. and
Chase Home Finance, LLC*
MORRISON & FOERSTER LLP (DC-NA)
2000 Pennsylvania Ave NW, Suite 6000
Washington, DC 20006-1888
Telephone: (202) 887-1571
Facsimile: (202) 887-0763
Email: tobrien@mofo.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of January, 2011, I electronically filed the foregoing Motion to Dismiss Counts One, Two and Three of the Amended Class Complaint with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

Leonard A. Bennett, Esq.
Robin A. Abbott, Esq.
Gary L. Abbott, Esq.
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Boulevard, Suite 201
Newport News, VA 23606
Telephone: 757-930-3660
Facsimile: 757-930-3662

Counsel for Plaintiff

/s/ David N. Anthony
David N. Anthony
Virginia State Bar No. 31696
*Attorney for JPMorgan Chase Bank, N.A. and
Chase Home Finance, LLC*
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, Virginia 23219
Telephone No.: (804) 697-5410
Facsimile No.: (804) 698-5118
Email: david.anthony@troutmansanders.com